

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
REGION 9, SAN DIEGO REGION

WASTE DISCHARGE REQUIREMENTS

ORDER NO. R9-2005-0015

NPDES PERMIT NO. CA0108391

The Discharger shall comply with Waste Discharge Requirements established by Order No. R9-2005-0015 as set forth below:

Discharger	Mountain Water Ice Company
Facility Address	2843 Benet Road
	Oceanside, California 92054
	San Diego County


The discharge of wastewater from the following discharge point shall comply with the Waste Discharge Requirements established in Order No. R9-2005-0015:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Defrost water, evaporative condenser overflow, and melted ice	32° 12' 30" N	117° 21' 0" W	San Luis Rey River, via concrete lined channel

This Order was adopted by the Regional Board on:	March 9, 2005
This Order shall become effective on:	March 19, 2005
This Order shall expire on:	March 9, 2010
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, <u>not later than 180 days prior to the Order expiration date</u> as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 2000-34 is superseded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the federal CWA, and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements herein.

I, John H. Robertus, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on March 9, 2005.

  
JOHN H. ROBERTUS, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
REGION 9, SAN DIEGO REGION**

**Waste Discharge Requirements**

**ORDER NO. R9-2005-0015  
NPDES NO. CA0108391**

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## I. FACILITY INFORMATION

The Discharger shall comply with Waste Discharge Requirements established by Order No. R9-2005-0015 as set forth in this Order:

<b>Discharger</b>	<b>Mountain Water Ice Company</b>
<b>Facility Address</b>	<b>2843 Benet Road</b>
	<b>Oceanside, California 92054</b>
	<b>San Diego County</b>
<b>Facility Contact, Title, and Phone</b>	<b>David Russell, (760) 722-7611</b>
<b>Mailing Address</b>	<b>2843 Benet Road, Oceanside, California 92054</b>
<b>Type of Facility</b>	<b>Industrial</b>
<b>Facility Design Flow</b>	<b>0.085 Million Gallons Per Day (mgd)</b>

## II. FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds:

- A. **Background.** Mountain Water Ice Company (hereinafter “Discharger”) is currently discharging under Order No. 2000-34 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0108391. The Discharger submitted a Report of Waste Discharge, dated September 9, 2004, and applied for a NPDES permit renewal to discharge up to 0.085 MGD of untreated wastewater from Mountain Water Ice Company. The application was deemed complete on September 29, 2004.
- B. **Facility Description.** The Discharger manufactures crushed ice and pressed ice blocks for wholesale distribution and retail sale. The facility manufactures approximately 390 tons of ice per day during the summer and approximately 175 tons of ice per day during the winter. Defrost water, overflow from the evaporative condensers, and melted ice throughout the facility is collected in a reclaim sump. An average of 43,000 gallons per day of wastewater from the reclaim sump is discharged to the San Luis Rey River via a concrete-lined channel.

Wastewater is discharged from Discharge Point 001 to the San Luis Rey River, a water of the United States within the Mission Hydrologic Subarea (HSA) (903.00) at 32 degrees 12 minutes 30 seconds North latitude and 117 degrees 21 minutes 0 seconds West longitude. Attachment B provides a topographic map of the area around the facility. Attachment C provides a wastewater flow schematic of the facility.

- C. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). This Order shall

serve as a NPDES permit for point source discharges from this facility to surface waters. This Order establishes Waste Discharge Requirements pursuant to Article 4, Chapter 4 of the CWC.

- D. **Background and Rationale for Requirements.** The Regional Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through F contain background information and detailed rationale for Order requirements and are hereby incorporated into this Order and constitute part of the Findings for this Order.
- E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.
- F. **Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Best Professional Judgment (BPJ) in accordance with 40 CFR §125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).
- G. **Water Quality-based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using U.S. EPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.
- The 2002 State Board's California 303(d) List classifies the San Luis Rey River as impaired for chloride and TDS. Effluent data submitted by the Discharger indicates high levels of TDS in the discharge, which may contribute to the impairment of the water body for TDS and chloride.
- H. **Water Quality Control Plans.** The Regional Board adopted a Water Quality Control Plan for the San Diego Region [hereinafter Basin Plan] on September 8, 1994. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the San Luis Rey River are as follows:

Outfall Number	Receiving Water Name	Beneficial Use(s)
001	San Luis Rey River	<u>Existing:</u> Municipal & domestic supply (MUN); agricultural supply (AGR); industrial services supply (IND); freshwater replenishment (FRSH); hydropower generation (POW); contact water recreation (REC1); non-contact water recreation (REC2); warm freshwater habitat (WARM); cold freshwater habitat (COLD); and wildlife habitat (WILD). <u>Intermittent:</u> None. <u>Potential:</u> None.

The State Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended the Thermal Plan on September 18, 1975. The Thermal Plan contains temperature objectives for inland surface waters.

The requirements of this Order implement the applicable Water Quality Control Plans.

- I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
- J. **State Implementation Policy.** On March 2, 2000, State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by U.S. EPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so.
- K. **Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under Section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued nor may it extend beyond 10 years from the effective

date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds one year, the permit must include interim numeric limitations for that constituent. Where permitted by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order includes compliance schedules and interim effluent limitations for copper and bromoform. A detailed discussion of the basis for the compliance schedule(s) and interim effluent limitation(s) and/or discharge specifications is included in the Fact Sheet.

- L. **Anti-Degradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Board established California's anti-degradation policy in State Board Resolution No. 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet, the permitted discharge is consistent with the anti-degradation provision of 40 CFR § 131.12 and State Board Resolution No. 68-16.
- M. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.
- N. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires all NPDES permits to specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and state requirements. The Monitoring and Reporting Program is provided in Attachment E.

In addition to effluent monitoring, receiving water monitoring for temperature is required to determine the applicability of the Thermal Plan to this discharge.

- O. **Rationale for Requirements.** The Regional Board developed the requirements in this Order based on information submitted as part of the application, and through evaluation of the data submitted pursuant to the Dischargers Monitoring and Reporting Program. A detailed rationale for the requirements contained in this Order is provided in the attached Fact Sheet. The Fact Sheet contains detailed background information on the facility, discharge characteristics, receiving waters and beneficial uses of receiving waters, and the legal and technical bases for the Order requirements, including effluent limitations, discharge specifications, and monitoring and reporting requirements. Standard Provisions, which apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D.
- P. **Notification of Interested Parties.** The Regional Board has notified the Discharger and all known interested agencies and persons of its intent to prescribe Waste Discharge Requirements

for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.

- Q. Consideration of Public Comment.** The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

### **III. DISCHARGE PROHIBITIONS**

- A. The discharge of authorized wastewater to the receiving water in excess of a daily maximum flow rate of 0.085 million gallons per day (mgd) is prohibited unless the discharger obtains revised Waste Discharge Requirements authorizing an increased flow rate.
- B. Compliance with the waste discharge prohibitions contained in the Basin Plan is required as a condition of this Order.
- C. Dilution of an effluent stream to achieve compliance with effluent limitations is strictly prohibited
- D. The Discharger shall comply with the water quality objectives established in Table 3-2 of the Basin Plan for the San Luis Rey Hydrologic Unit.
- E. Discharges of wastes in a manner or to locations which have not been specifically authorized by this Order and for which valid Waste Discharge Requirements are not in force are prohibited.
- F. The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in CWC 13050, as a result of the treatment or discharge of wastes.
- G. All waste treatment, containment and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.
- H. All waste treatment, containment and disposal facilities shall be protected against erosion, overland runoff and other impacts resulting from a 100-year frequency 24-hour storm.
- I. Collected screenings, sludges, and other solids removed from liquid wastes, shall be disposed of in a manner approved by this Regional Board.
- J. Wastes shall not be discharged into or adjacent to areas where the protection of beneficial uses requires spatial separation from waste fields.
- K. Odors, vectors, and other nuisances of waste origin beyond the limits of the property controlled by discharger are prohibited.
- L. The discharge of waste, exclusive of defrost water, evaporative condenser overflow, and melted ice as discussed in the Findings of this Order or the Fact Sheet For this Order, are prohibited.

#### IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

##### A. Effluent Limitations – Discharge Point 001

##### 1. Final Effluent Limitations

- a. The Discharger shall maintain compliance with the effluent limitations at Discharge Point 001, for the discharges of defrost water, evaporative condenser overflow, and melted ice. The effluent limitations for Discharge Point 001 are as follows:

Constituent	Units	Effluent Limitations			
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Flow	MGD	--	--	0.085	--
Copper <sup>1</sup>	µg/L	21.35	--	42.84	--
	Lbs/day <sup>2</sup>	0.0151	--	0.0304	--
Bromoform	µg/L	4.3	--	8.63	--
	Lbs/day <sup>2</sup>	0.0030	--	0.0061	--
TDS <sup>3</sup>	mg/L	500	--	550	--
	Lbs/day <sup>2</sup>	355	--	390	--
Total Residual Chlorine	µg/L	2	--	4	10
	Lbs/day <sup>1</sup>	0.0014	--	0.0028	0.0071
PH	Standard Units	6.5 – 8.5 <sup>4</sup>			
Acute Toxicity	TUa	--	--	0	--

<sup>1</sup> Discharge limitations for these metals are expressed as total recoverable

<sup>2</sup> Mass based limits were calculated using a maximum flow rate of 85,000 gpd.

<sup>3</sup> Not to exceed Water Quality Objectives in Table 3-2 of the Basin Plan, which state 500 mg/L shall not be exceeded more than 10% of the sampling events any one year period.

<sup>4</sup> The pH shall remain within this range at all times.

## 2. Interim Effluent Limitations

- a. From the effective date of this Order up to and including the expiration date specified in the Table below, the discharge of effluent from Discharge Point 001 in violation of the following interim effluent limitations (for the listed constituents only) is prohibited. The Discharger must comply with all other effluent limitations in section IV.A.1 upon the effective date of this Order. After the expiration date the Discharger must comply with the final effluent limitations listed in section IV.A.1 of this Order:

Constituent (units)	Daily Maximum Concentration	Rationale <sup>1</sup>	Expiration Date <sup>2</sup>
Copper (µg/L) <sup>3</sup>	50	MEC	3 years
Bromoform (µg/L)	6.6	MEC	3 years
Total Residual Chlorine (µg/L)	1.5	MEC	12 months

<sup>1</sup> MEC – Based on the maximum effluent concentration reported by the facility.

<sup>2</sup> The date the Discharger must comply with the final effluent limitations established in section IV.A.1 of this Order.

<sup>3</sup> Discharge limitations for copper metals are expressed as total recoverable.

## V. RECEIVING WATER LIMITATIONS

### A. Surface Water Limitations

Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Order. The discharge shall not cause the following in the San Luis Rey River:

#### 1. Physical Characteristics

- Waters shall not contain oils, greases, waxes, or other materials in concentrations which result in a visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which otherwise adversely affect beneficial uses.
- Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses.
- The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
- Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses.
- Waters shall not contain taste or odor producing substances at concentrations which cause a nuisance or adversely affect beneficial uses.
- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

## 2. Chemical Characteristics

- a. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as a result of the discharge of oxygen demanding waste materials.
- b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally. The pH shall not be depressed below 7.0 nor raised above 9.0.
- c. The San Luis Rey River waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growths cause nuisance or adversely affect beneficial uses.
- d. The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH<sub>3</sub>) to exceed 0.025 mg/l (as N) in San Diego Bay.

## 3. Radioactivity

Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.

## 4. Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

## 5. Pesticides

No individual pesticide or a combination of pesticides shall be present in concentrations that adversely affect beneficial uses. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life. Pesticides shall not be present at levels that will bioaccumulate in aquatic organisms to levels which are harmful to human health, wildlife or aquatic organisms.

## B. Groundwater Limitations (Not Applicable)

# VI. PROVISIONS

## A. Standard Provisions

The Discharger shall comply with the Federal and Regional Board Standard Provisions contained in this section. A more detailed description of the Federal Standard Provisions are included in Attachment D of this Order. In cases where the Standard Provisions contained within this section and the Standard Provisions (Attachment D) conflict, the more stringent of the two requirements apply.

1. **Federal Standard Provisions.** The following sections of 40 CFR are incorporated into this permit by reference and are included in Attachment D to this Order:

- a. 122.5 *Effect of a permit*

- b. 122.21 *Application for a permit*
- c. 122.22 *Signatories to permit applications and reports*
- d. 122.41 *Conditions applicable to all permits*
- e. 122.61 *Transfer of permits*
- f. 122.62 *Modification or revocation of permits*
- g. 122.63 *Minor modifications of permits*
- h. 122.64 *Termination of permits*

2. **Regional Board Standard Provisions.** The Discharger shall comply with the following provisions:

- a. Neither the treatment nor the discharge of waste shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.
- b. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
- c. Upon application by any affected person, or on its own motion, the Regional Board may review and revise this permit.
- d. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
- e. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the CWA.

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws. Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

- Nothing in this Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA.
- f. Any noncompliance with this permit constitutes violation of the California Water Code and/or the federal Clean Water Act and is grounds for denial of an application for permit modification.
  - g. No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.
  - h. For the purposes of this permit, the term “permittee” used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term “discharger” used elsewhere in this permit.
  - i. After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with.
  - j. Any application submitted by the discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.
  - k. Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the office of the Regional Board.
  - l. The discharger shall conduct appropriate analyses on any sample provided by U.S. EPA as part of the discharge monitoring quality assurance (DMQA) program. The results of such analyses shall be submitted to U.S. EPA’s DMQA manager.
  - m. The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner, which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.
  - n. The discharger shall comply with any interim effluent limitations as established by addendum, enforcement action or revised Waste Discharge Requirements, which have been or may be adopted by this Regional Board.
  - o. A copy of this Order shall be maintained on-site at the facility, and shall be available to operating personnel at all times.

- p. This Order shall become effective 10 days after the date of its adoption, provided the U.S. EPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
- q. **This Order expires on March 9, 2010.** However, it will continue in force and effect until superseded by a new permit or rescinded.
- r. This Order does not apply to discharges of radioactive materials regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

## **B. Monitoring and Reporting Program Requirements**

- 1. This Order expires on March 9, 2010. If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain new Waste Discharge Requirements. The Discharger must file a complete Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date, as an application for issuance of new waste discharge requirements.
- 2. The discharger shall comply with Monitoring and Reporting Program No. R9-2005-0015 (Attachment E), and future revisions thereto.

Monitoring data shall be submitted on the Monitoring and Reporting Form included in Section VII.C of Attachment E, Monitoring and Reporting Program.

Reports required to be submitted to this Regional Board shall be sent to:

Industrial Compliance Unit  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340

Notifications required to be provided to this Regional Board shall be made to:

Telephone - (858) 467-2952 or  
Facsimile - (858) 571-6972

## **C. Special Provisions**

### **1. Re-opener Provisions**

- a. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
  - i. Violation of any terms or conditions of this Order;
  - ii. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts;

- iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for modifications, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.

- b. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, this Regional Board may institute proceedings under these regulations to modify or revoke and reissue the Order to conform to the toxic effluent standard or prohibition.
- c. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.
- d. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new Minimum Levels (ML).
- e. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a total maximum daily load allocation (TMDL) for the San Luis Rey River.
- f. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.
- g. This Order may be reopened and modified to revise the toxicity language once that language becomes standardized.
- h. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

## **2. Special Studies, Technical Reports and Additional Monitoring Requirements**

- a. The Discharger shall conduct monthly effluent monitoring for TDS, copper, bromoform, temperature and total residual chlorine, for the first 12 months after the adoption of this Order. The Discharger shall submit the monitoring data to the Regional Board by June 1, 2006. The Discharger will revert to the effluent monitoring schedule as specified in the Monitoring and Reporting Program, Section IV.A.I.

- b. Semi-annual receiving water monitoring requirements have been established in Monitoring and Reporting Program R9-2005-0015 for temperature in order to determine if the effluent is an elevated temperature waste discharge as defined by the Thermal Plan, and to determine the applicability of the Thermal Plan to this discharge.
- c. The Discharger shall conduct CTR monitoring once during the term of the permit as established in section IX of Monitoring and Reporting Program No. R9-2005-0015. Monitoring shall be conducted between January 1, 2009 and June 31, 2009. The results of this CTR monitoring data shall be submitted at least 180 days prior to the expiration date of this Order and shall be submitted with the Report of Waste Discharge.

### **3. Best Management Practices and Pollution Prevention (Not Applicable)**

### **4. Compliance Schedules**

This Order contains a compliance schedule that allows the Discharger up to 3 years to comply with the final established effluent limitations for copper and bromoform; and 12 months to comply with the final established effluent limitations for total residual chlorine. Within 1 year after the effective date of the Order, the Discharger must prepare and submit a **compliance plan** that describes the steps that will be taken to ensure compliance with the final effluent limitations for copper and bromoform established in section IV.A.1.a of this Order. Within 6 months after the effective date of the Order, the Discharger must prepare and submit a **compliance plan** that describes the steps that will be taken to ensure compliance with the final effluent limitations for total residual chlorine established in section IV.A.1.a of this Order.

### **5. Construction, Operation and Maintenance Specifications (Not Applicable)**

### **6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)**

### **7. Other Special Provisions**

#### **a. Core Monitoring**

Core monitoring consists of effluent monitoring, influent monitoring and receiving water monitoring. This Order does not require influent monitoring at this time.

#### **b. Regional Watershed Monitoring**

The Discharger shall participate and coordinate with state and local agencies and other dischargers in the San Diego Region in development and implementation of a regional watershed monitoring program as directed by this Regional Board. The intent of a regional watershed monitoring program is to maximize the efforts of all monitoring partners using a more cost-effective monitoring design and to best utilize the pooled resources of the region. During the coordinated watershed sampling effort, the

discharger's sampling and analytical effort may be reallocated to provide a regional assessment of the impact of discharges to the watershed.

c. Special Process Studies

Special studies are intended to be short-term and designed to address specific research or management issues that are not addressed by the routine core monitoring program. The Discharger shall implement special studies as directed by this Regional Board.

## **VII. COMPLIANCE DETERMINATION**

Compliance with effluent limitations or discharge specifications shall be determined as follows:

1. If only one sample is collected during the time period associated with the effluent limitations (e.g., 30-day average or 6-month median), the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.
2. All analytical data shall be reported uncensored with detection limits and quantitation limits identified. For any effluent limitation, compliance shall be determined using appropriate statistical methods to evaluate multiple samples. Sufficient samplings and analyses shall be conducted to determine compliance.
3. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order or Monitoring and Reporting Program No. R9-2005-0015.
4. When determining compliance based on a single sample, with a single effluent limitation which applies to a group of chemicals (e.g. PCBs) concentrations of individual members of the group may be considered to be zero if the analytical response for individual chemicals falls below the MDL for that parameter.
5. The 6-month median effluent concentration limitation shall apply as a moving median of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred. The 6-month median receiving water limitation shall apply as a moving median of daily values for any 180-day period.
6. Average monthly discharge limitation means the highest allowable average of "daily discharges" over a running 30-day period, calculated as the sum of all "daily discharges" measured during a 30-day period divided by the number of "daily discharges" measured during that period.
7. Average weekly discharge limitation means the highest allowable average of "daily discharges" over a running week, calculated as the sum of all "daily discharges" measured during a running 7-day period divided by the number of "daily discharges" measured during that period.
8. The daily maximum effluent concentration limitation shall apply to grab samples. The daily maximum receiving water limitation shall apply to grab sample determinations.

9. The instantaneous maximum effluent concentration limitation shall apply to grab sample determinations. The instantaneous maximum receiving water limitation shall apply to grab sample determinations.
10. The mass emission rate (MER), in pounds per day, shall be obtained from the following calculation for any calendar day:

$$\text{mass emission rate (lb/Day)} = 8.34 \times Q \times C$$

In which Q and C are the flow rate in million gallons per day (mgd) and the constituent concentration in mg/L, respectively, and 8.34 is a conversion factor. If a composite sample is taken, then C is the concentration measured in the composite sample and Q is the average flow rate occurring during the period over which the samples are composited.

11. Compliance with the acute toxicity limitation shall be determined using the following formula:

$$TUa = \frac{100}{96 - hr LC 50\%}$$

Where Lethal Concentration 50% (LC 50) (percent waste giving 50% survival of test organisms) shall be determined by static or continuous flow bioassay techniques using standard marine test species as specified in Appendix III, Chapter II of the 2001 Ocean Plan. If specific identifiable substances in wastewater can be demonstrated by the Discharger as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC 50 may be determined after the test samples are adjusted to remove the influence of those substances.

Where it is not possible to measure the 96-hour LC 50 due to greater than 50 percent survival of the test species in 100 percent waste, the toxicity concentration shall be calculated by the expression:

$$TUa = \frac{\log (100 - S)}{1.7}$$

Where: S = percent survival in 100 % waste. If S > 99, TUa shall be reported as zero

12. The discharger shall develop a Toxicity Reduction Evaluation (TRE) workplan in accordance with the TRE procedures established by the U.S. EPA in the following guidance manuals:
  - a. Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070)
  - b. Toxicity Identification Evaluation, Phase I (EPA/600/6-91/005F)
  - c. Methods for Aquatic Toxicity Identification Evaluations, Phase II (EPA/600/R-92/080)

d. Methods for Aquatic Toxicity Identification Evaluations, Phase III (EPA/600/R-92/081)

The discharger shall submit the TRE workplan to the Regional Board **within 180 days** of the adoption of this Order. The TRE workplan shall be subject to the approval of the Regional Board and shall be modified as directed by the Regional Board.

13. If toxicity effluent limitations identified in Discharge Specification IV.A.1 of this Order are exceeded, then within 15 days of the exceedance, the discharger shall begin conducting six additional toxicity tests over a six-month (at least one sample per calendar month) period and provide the results to the Regional Board. The additional monthly toxicity tests will be incorporated into the semiannual discharge monitoring reports submitted pursuant to MRP No. R9-2005-0015.

If the additional monthly tests indicate that toxicity effluent limitations are being consistently violated (at least three exceedances out of the six tests), the Regional Board may recommend that the discharger conduct a TRE and a Toxic Identification Evaluation (TIE), as identified in the approved TRE workplan.

If the Discharger conducts the TRE/TIE, the Discharger shall, within 15 days of completion of the TRE/TIE, submit the results of the TRE/TIE, including a summary of findings, identified sources of toxicity, a list of corrective actions necessary to achieve consistent compliance with all the toxicity limitations of this Order and prevent recurrence of violations of those limitations and a time schedule for implementations of such corrective actions. The corrective actions and time schedule shall be modified under the direction of the Regional Board.

14. Dischargers shall be deemed out of compliance with an effluent limitation or discharge specification if the concentration of the constituent in the monitoring sample is greater than the effluent limitation or discharge specification and greater than or equal to the Minimum Level (ML).

## **ATTACHMENT A – DEFINITIONS**

**Average Monthly Effluent Limitation (AMEL):** the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Effluent Limitation (AWEL):** the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

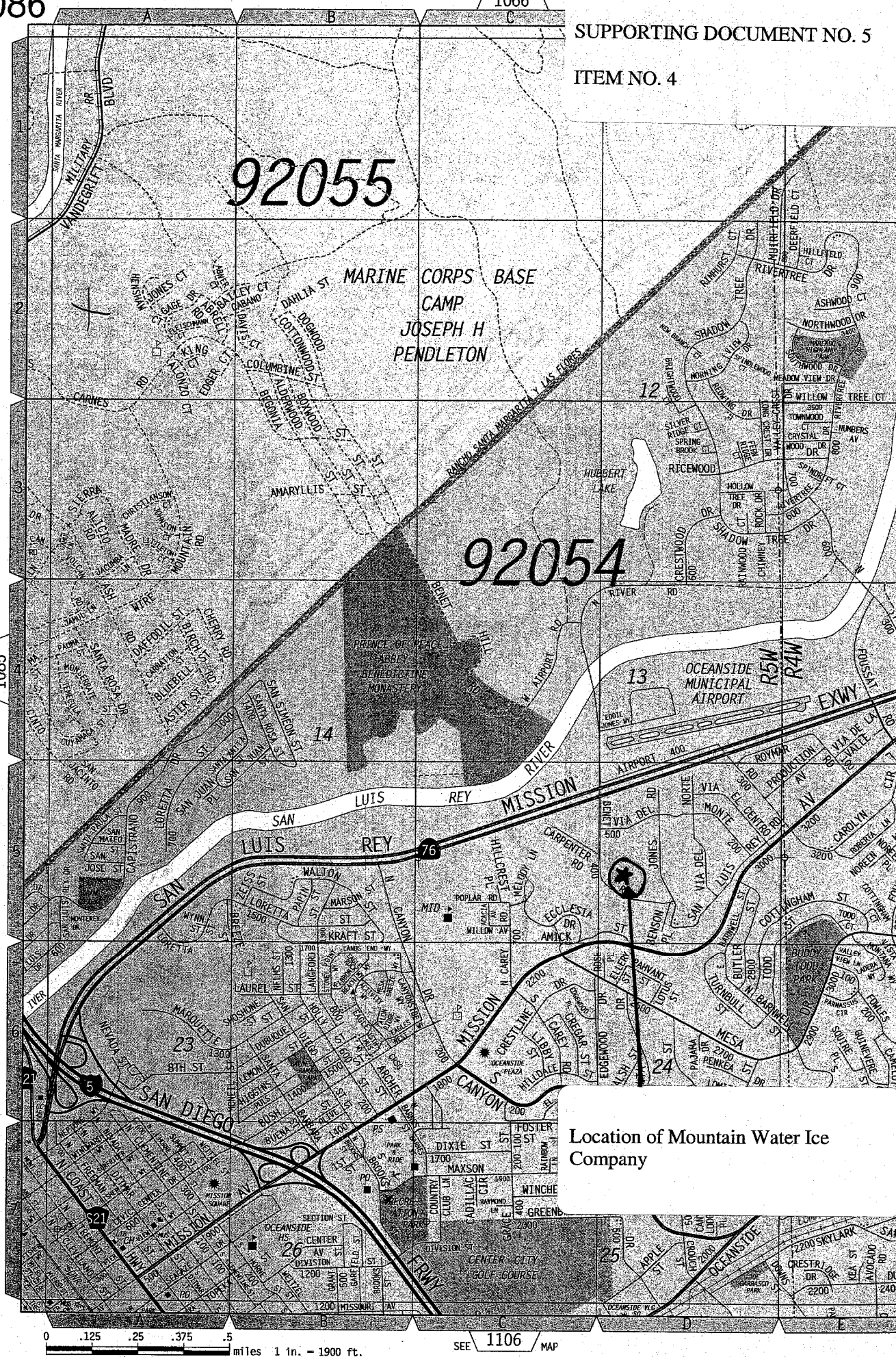
**Daily Discharge:** the total mass of the constituent discharged over the day for a constituent with limitations expressed in units of mass or the arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

**Instantaneous Maximum Effluent Limitation:** the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

**Instantaneous Minimum Effluent Limitation:** the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

**Maximum Daily Effluent Limitation (MDEL):** the highest allowable daily discharge of a pollutant over a calendar day.

**Six-month Median Effluent Limitation:** the highest allowable moving median of all daily discharges for any 180-day period.



Municipal Water Supply  
137,600 G.P.D.

Ice Product  
63,430 G.P.D.

ICE  
MACHINES

RECLAIM  
SUMP  
#1

SNOW  
MELT  
SUMP

Evaporation Loss  
2430 G.P.D.

EVAPORATIVE  
CONDENSERS

RECLAIM  
SUMP  
#2

Landscape  
Irrigation  
6,300 G.P.D.

Outfall #1

To San Luis Rey River  
64,840 G.P.D. Average

Mountain Water Ice Company Flow/Use Diagram

## **ATTACHMENT D – FEDERAL STANDARD PROVISIONS**

### **A. Standard Provisions – Permit Compliance**

#### **1. Duty to Comply**

- a. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application. [40 CFR §122.41(a)]
- b. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement. [40 CFR §122.41(a)(1)]

#### **2. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. [40 CFR §122.41(c)]

#### **3. Duty to Mitigate**

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR §122.41(d)]

#### **4. Proper Operation and Maintenance**

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. [40 CFR §122.41(e)]

#### **5. Property Rights**

- a. This Order does not convey any property rights of any sort or any exclusive privileges. [40 CFR §122.41(g)]

- b. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations. [40 CFR §122.5(c)]

## **6. Inspection and Entry**

The Discharger shall allow the Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [40 CFR §122.41(i)] [CWC 13383(c)]:

- a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [40 CFR §122.41(i)(1)];
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [40 CFR §122.41(i)(2)];
- c. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [40 CFR §122.41(i)(3)];
- d. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location. [40 CFR §122.41(i)(4)]

## **7. Bypass**

- a. Definitions
  - (1) “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. [40 CFR §122.41(m)(1)(i)]
  - (2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. [40 CFR §122.41(m)(1)(ii)]
- b. Bypass not exceeding limitations – The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance A.7.c. and A.7.e below [40 CFR §122.41(m)(2)]

- c. Prohibition of bypass – Bypass is prohibited, and the Regional Board may take enforcement action against a Discharger for bypass, unless [40 CFR §122.41(m)(4)(i)]:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; [40 CFR §122.41(m)(4)(A)];
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; [40 CFR §122.41(m)(4)(B)]; and
  - (3) The Discharger submitted notice to the Regional Board as required under Standard Provision A.7.e below. [40 CFR §122.41(m)(4)(C)]
- d. The Regional Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance A.7.c. above. [40 CFR §122.41(m)(4)(ii)]
- e. Notice
  - (1) Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. [40 CFR §122.41(m)(3)(i)]
  - (2) Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting E.5. below. [40 CFR §122.41(m)(3)(ii)]

## **8. Upset**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [40 CFR §122.41(n)(1)]

- a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 8.b of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. [40 CFR §122.41(n)(2)]

- b. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [40 CFR §122.41(n)(3)]:
  - (1) An upset occurred and that the Discharger can identify the cause(s) of the upset [40 CFR §122.41(n)(3)(i)];
  - (2) The permitted facility was, at the time, being properly operated [40 CFR §122.41(n)(3)(i)];
  - (3) The Discharger submitted notice of the upset as required in Standard Provisions – Reporting E.5.b(2). [40 CFR §122.41(n)(3)(iii)]; and
  - (4) The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance A.3. above. [40 CFR §122.41(n)(3)(iv)].
- c. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof [40 CFR §122.41(n)(4)].

## **B. Standard Provisions – Permit Action**

### **1. General**

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. [40 CFR §122.41(f)]

### **2. Duty to Reapply**

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. [40 CFR §122.41(b)]

### **3. Transfers**

This Order is not transferable to any person except after notice to the Regional Board. The Regional Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the CWC. [40 CFR §122.41(l)(3)] [40 CFR §122.61]

## **C. Standard Provisions – Monitoring**

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. [40 CFR §122.41(j)(1)]

2. Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order. [40 CFR §122.41(j)(4)] [40 CFR §122.44(i)(1)(iv)]

#### **D. Standard Provisions – Records**

1. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Board Executive Officer at any time. [40 CFR §122.41(j)(2)]
2. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements [40 CFR §122.41(j)(3)(i)];
  - b. The individual(s) who performed the sampling or measurements [40 CFR §122.41(j)(3)(ii)];
  - c. The date(s) analyses were performed [40 CFR §122.41(j)(3)(iii)];
  - d. The individual(s) who performed the analyses [40 CFR §122.41(j)(3)(iv)];
  - e. The analytical techniques or methods used [40 CFR §122.41(j)(3)(v)]; and
  - f. The results of such analyses [40 CFR §122.41(j)(3)(vi)]
3. Claims of confidentiality for the following information will be denied [40 CFR §122.7(b)]:
  - a. The name and address of any permit applicant or Discharger [40 CFR §122.7(b)(1)];
  - b. Permit applications and attachments, permits and effluent data [40 CFR §122.7(b)(2)].

## **E. Standard Provisions – Reporting**

### **1. Duty to Provide Information**

The Discharger shall furnish to the Regional Board, SWRCB, or U.S. EPA within a reasonable time, any information which the Regional Board, SWRCB, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Board, SWRCB, or U.S. EPA copies of records required to be kept by this Order. [40 CFR §122.41(h)] [CWC 13267]

### **2. Signatory and Certification Requirements**

- a. All applications, reports, or information submitted to the Regional Board, SWRCB, and/or U.S. EPA shall be signed and certified in accordance with paragraph (b) and (c) of this provision. [40 CFR §122.41(k)]
- b. All permit applications shall be signed as follows:
  - (1) For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. [40 CFR §122.22(a)(1)]
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; [40 CFR §122.22(a)(2)] or
  - (3) For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). [40 CFR §122.22(a)(3)]
- c. All reports required by this Order and other information requested by the Regional Board, SWRCB, or U.S. EPA shall be signed by a person described in paragraph (b) of this

provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (b) of this provision [40 CFR §122.22(b)(1)];
  - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); [40 CFR §122.22(b)(2)] and,
  - (3) The written authorization is submitted to the Regional Board, SWRCB, or U.S. EPA. [40 CFR §122.22(b)(3)]
- d. If an authorization under paragraph (c) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (c) of this provision must be submitted to the Regional Board, SWRCB or U.S. EPA prior to or together with any reports, information, or applications, to be signed by an authorized representative. [40 CFR §122.22(c)]
- e. Any person signing a document under paragraph (b) or (c) of this provision shall make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” [40 CFR §122.22(d)]

### **3. Monitoring Reports**

- a. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order. [40 CFR §122.41(l)(4)]
- b. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Board or SWRCB for reporting results of monitoring of sludge use or disposal practices. [40 CFR §122.41(l)(4)(i)]

- c. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Board. [40 CFR §122.41(l)(4)(ii)]
- d. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. [40 CFR §122.41(l)(4)(iii)]

#### **4. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order shall be submitted no later than 14 days following each schedule date. [40 CFR §122.41(l)(5)]

#### **5. Twenty-four Hour Reporting**

- a. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR §122.41(l)(6)(i)]
- b. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR §122.41(l)(6)(ii)]:
  - (1) Any unanticipated bypass that exceeds any effluent limitation in this Order. [40 CFR §122.41(l)(6)(ii)(A)]
  - (2) Any upset that exceeds any effluent limitation in this Order. [40 CFR §122.41(l)(6)(ii)(B)]
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours. [40 CFR §122.41(l)(6)(ii)(C)]
- c. The Regional Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. [40 CFR §122.41(l)(6)(iii)]

## **6. Planned Changes**

The Discharger shall give notice to the Regional Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [40 CFR §122.41(l)(1)]:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); [40 CFR §122.41(l)(1)(i)] or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part 122.42(a)(1) (see Additional Provisions - Notification Levels G.1.a) [40 CFR §122.41(l)(1)(ii)]
- c. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. [40 CFR §122.41(l)(1)(iii)]

## **7. Anticipated Noncompliance**

The Discharger shall give advance notice to the Regional Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. [40 CFR §122.41(l)(2)]

## **8. Other Noncompliance**

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Provision E.5. [40 CFR §122.41(l)(7)]

## **9. Other Information**

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Board, SWRCB, or U.S. EPA, the Discharger shall promptly submit such facts or information. [40 CFR §122.41(l)(8)]

## **F. Standard Provisions – Enforcement**

1. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit

issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions. [40 CFR §122.41(a)(2)] [CWC Sections 13385 and 13387]

2. Any person may be assessed an administrative penalty by the Regional Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000. [40 CFR §122.41(a)(3)]
3. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. [40 CFR §122.41(j)(5)].

4. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both. [40 *CFR* §122.41(k)(2)]

## **G. Additional Provisions – Notification Levels**

### **1. Non-Municipal Facilities**

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Board as soon as they know or have reason to believe [40 *CFR* §122.42(a)]:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 *CFR* §122.42(a)(1)]:
  - (1) 100 micrograms per liter (µg/L) [40 *CFR* §122.42(a)(1)(i)];
  - (2) 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [40 *CFR* §122.42(a)(1)(ii)];
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 *CFR* §122.42(a)(1)(iii)]; or
  - (4) The level established by the Regional Board in accordance with 40 *CFR* §122.44(f). [40 *CFR* §122.42(a)(1)(iv)]
- b. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [40 *CFR* §122.42(a)(2)]:
  - (1) 500 micrograms per liter (µg/L) [40 *CFR* §122.42(a)(2)(i)];
  - (2) 1 milligram per liter (mg/L) for antimony [40 *CFR* §122.42(a)(2)(ii)];
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 *CFR* §122.42(a)(2)(iii)]; or
  - (4) The level established by the Regional Board in accordance with 40 *CFR* §122.44(f). [40 *CFR* §122.42(a)(2)(iv)]

## **2. Publicly-owned Treatment Works**

All POTWs shall provide adequate notice to the Regional Board of the following [*40 CFR §122.42(b)*]:

- a. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [*40 CFR §122.42(b)(1)*]; and
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order. [*40 CFR §122.42(b)(2)*]
- c. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. [*40 CFR §122.42(b)(3)*]

Attachment G to Order No. R9-2005-0015  
Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

CIRM	Parameters	Units	CV	MEC	MCI	CIRM Water Quality Criteria (WQC)				REASONABLE POTENTIAL ANALYSIS (RPA)				HUMAN HEALTH CALCULATIONS					
						Freshwater	Saltwater	Human Health for consumption of	Lowered C	Tier 1 - B Available (Y/N)?	Are all B non-detects (Y/N)?	If all data enter the pollutant B is ND is MD-C?	If B-C effluent limit required	Tier 3 - other	RPA Result - Need Limit?	Reason	AMEL hn = ECA = C In 0 only	MODEL/AMEL multiplier	MODEL hn
1	Antimony	ug/L				340.00	150.00	150.00	150.00	N			No detected value of B. Ship 7	No	MD-C & No B				
2	Arsenic	ug/L		No Criteria		17.50	6.30	6.30	6.30	N			No detected value of B. Ship 7	No	MD-C & No B				
3	Beryllium	ug/L		No Criteria		4631.14	654.30	654.30	654.30	N			No detected value of B. Ship 7	No	MD-C & No B				
4	Bromine (III)	ug/L		No Criteria		16.20	11.40	11.40	11.40	N			No detected value of B. Ship 7	No	MD-C & No B				
5b	Chromium (VI)	ug/L	0.6	50		43.40	28.00	28.00	28.00	N			No detected value of B. Ship 7	No	MD-C & No B				
6	Copper	ug/L		No Criteria		1300.00	20.00	20.00	20.00	N			No detected value of B. Ship 7	No	MD-C & No B				
7	Lead	ug/L		No Criteria		14.71	0.05	0.05	0.05	N			No detected value of B. Ship 7	No	MD-C & No B				
8	Mercury	ug/L		No Criteria		14.71	0.05	0.05	0.05	N			No detected value of B. Ship 7	No	MD-C & No B				
9	Manganese	ug/L		No Criteria		14.71	0.05	0.05	0.05	N			No detected value of B. Ship 7	No	MD-C & No B				
10	Selenium	ug/L		No Criteria		14.71	0.05	0.05	0.05	N			No detected value of B. Ship 7	No	MD-C & No B				
11	Silver	ug/L		No Criteria		14.71	0.05	0.05	0.05	N			No detected value of B. Ship 7	No	MD-C & No B				
12	Thallium	ug/L		No Criteria		14.71	0.05	0.05	0.05	N			No detected value of B. Ship 7	No	MD-C & No B				
13	Zinc	ug/L		No Criteria		332.00	332.00	332.00	332.00	N			No detected value of B. Ship 7	No	MD-C & No B				
14	Cyanide	ug/L		No Criteria		22.00	6.30	6.30	6.30	N			No detected value of B. Ship 7	No	MD-C & No B				
15	2,3,7,8-TCDF	ug/L		No Criteria		22.00	6.30	6.30	6.30	N			No detected value of B. Ship 7	No	MD-C & No B				
16	2,3,7,8-TCDF	ug/L		No Criteria		22.00	6.30	6.30	6.30	N			No detected value of B. Ship 7	No	MD-C & No B				
17	Aroclor	ug/L		No Criteria		320.00	320.00	320.00	320.00	N			No detected value of B. Ship 7	No	MD-C & No B				
18	Aroclor	ug/L		No Criteria		320.00	320.00	320.00	320.00	N			No detected value of B. Ship 7	No	MD-C & No B				
19	Aroclor	ug/L		No Criteria		320.00	320.00	320.00	320.00	N			No detected value of B. Ship 7	No	MD-C & No B				
20	Boron	ug/L	0.6	6.6		1.20	1.20	1.20	1.20	N			No detected value of B. Ship 7	No	MD-C & No B				
21	Carbon Tetrachloride	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
22	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
23	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
24	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
25	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
26	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
27	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
28	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
29	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
30	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
31	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
32	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
33	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
34	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
35	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
36	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
37	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
38	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
39	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
40	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
41	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
42	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
43	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
44	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
45	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
46	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
47	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
48	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
49	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
50	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
51	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
52	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
53	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
54	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
55	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
56	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
57	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
58	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
59	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
60	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
61	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
62	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
63	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
64	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
65	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
66	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
67	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
68	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
69	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
70	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
71	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
72	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
73	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
74	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
75	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
76	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
77	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
78	Chlorobenzene	ug/L		No Criteria		4.30	390.00	4.30	4.30	N			No detected value of B. Ship 7	No	MD-C & No B				
79	Chlorobenzene	ug/L		No Criteria		4.30													

Attachment G to Order No. R9-2005-0015  
Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

CTRH	Parameters	Units	CV	MEC	MCI	CTH Water Quality Criteria (ug/L)				Human Health for consumption etc.	Reasonable Potential Analysis (RPA)				Human Health Calculations									
						Freewater	Sediment	Water & Organisms	Organisms only		MEC >= Lowest C	Tier 1 - Need Limit?	B Available (Y/N)?	Are all B data points non-detects (Y/N)?	If all B's enter the detection limit (MDL)	If all B's enter the pollutant B max conc (ug/L)	If all B's enter the MDL-C7	If B-C, effluent limit required	Tier 3 - other Info. ?	RPA Result - Need Limit?	Reason	AMEL In = ECA = C In O only	MEI/AMEL	AMEL In
81	Ch-Biaryl/Phthalate																							
82	2,4-Dichlorodioxin			No Criteria																				
83	2,4-Dichlorodioxin			No Criteria																				
84	2,4-Dichlorodioxin			No Criteria																				
85	Fluorene			No Criteria																				
86	Fluorene			No Criteria																				
87	Fluorene			No Criteria																				
88	Hexachlorodioxin			No Criteria																				
89	Hexachlorodioxin			No Criteria																				
90	Hexachlorodioxin			No Criteria																				
91	Hexachlorodioxin			No Criteria																				
92	Hexachlorodioxin			No Criteria																				
93	Hexachlorodioxin			No Criteria																				
94	Hexachlorodioxin			No Criteria																				
95	Hexachlorodioxin			No Criteria																				
96	Hexachlorodioxin			No Criteria																				
97	Hexachlorodioxin			No Criteria																				
98	Hexachlorodioxin			No Criteria																				
99	Phenanthrene			No Criteria																				
100	Phenanthrene			No Criteria																				
101	Phenanthrene			No Criteria																				
102	Phenanthrene			No Criteria																				
103	Phenanthrene			No Criteria																				
104	Phenanthrene			No Criteria																				
105	Phenanthrene			No Criteria																				
106	Phenanthrene			No Criteria																				
107	Phenanthrene			No Criteria																				
108	Phenanthrene			No Criteria																				
109	Phenanthrene			No Criteria																				
110	Phenanthrene			No Criteria																				
111	Phenanthrene			No Criteria																				
112	Phenanthrene			No Criteria																				
113	Phenanthrene			No Criteria																				
114	Phenanthrene			No Criteria																				
115	Phenanthrene			No Criteria																				
116	Phenanthrene			No Criteria																				
117	Phenanthrene			No Criteria																				
118	Phenanthrene			No Criteria																				
119	Phenanthrene			No Criteria																				
120	Phenanthrene			No Criteria																				

\* The most stringent of fresh water and human health criteria were selected for this analysis.

Attachment G to Order No. R9-2005-0015  
Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

CT#		AQUATIC LIFE CALCULATIONS										LIMITS		Recommendation	Comment
		Saltwater / Freshwater / Basin Pans										Lowest AMEL	Lowest MDEL		
		ECA acute multiplier (p.7)	LTA acute multiplier	ECA chronic multiplier	LTA chronic multiplier	Lowest multiplier 95	AMEL multiplier 95	AMEL multiplier 99	MODEL multiplier 95	MODEL multiplier 99					
1	Arsenite												No Limit		
2	Arsenite												No Limit		
3	Cadmium												No Limit		
4	Cadmium												No Limit		
5a	Chromium (III)												No Limit		
5b	Chromium (VI)												No Limit		
6	Copper	0.32	13.97	0.53	13.76	13.76	1.56	21.35	3.11	42.54081		21.35	42.54	No Limit	
7	Lead												No Limit		
8	Mercury												No Limit		
9	Nickel												No Limit		
10	Selenium												No Limit		
11	Silver												No Limit		
12	Thallium												No Limit		
13	Zinc												No Limit		
14	Quartz												No Limit		
15	Asbestos												No Limit		
16	2,2,2,2-TCDD												No Limit		
17	Acetaminophen												No Limit		
18	Acetaminophen												No Limit		
19	Benzo(a) Pyrene						1.55		3.11			4.36000	8.62561	No Limit	
20	Benzo(a) Pyrene												No Limit		
21	Chlorobenzene												No Limit		
22	Chlorobenzene												No Limit		
23	Chlorobenzene												No Limit		
24	Chlorobenzene												No Limit		
25	2-Chlorophenyl ether												No Limit		
26	Chloroform												No Limit		
27	Chlorobenzene												No Limit		
28	1,1,1,2-Tetrachloroethane												No Limit		
29	1,1,2-Dichloroethane												No Limit		
30	1,1-Dichloroethane												No Limit		
31	1,3-Dichloropropane												No Limit		
32	1,3-Dichloropropane												No Limit		
33	Endrin												No Limit		
34	Endrin												No Limit		
35	Many Chlorides												No Limit		
36	Many Chlorides												No Limit		
37	1,1,2,2-Tetrachloroethane												No Limit		
38	Telluribromide												No Limit		
39	1,1,1,2-Tetrachloroethane												No Limit		
40	1,1,1,2-Tetrachloroethane												No Limit		
41	1,1,1,2-Tetrachloroethane												No Limit		
42	1,1,2,3-Tetrachloroethane												No Limit		
43	Trichloroethylene												No Limit		
44	Vinyl Chloride												No Limit		
45	2-Chlorophenol												No Limit		
46	2-Chlorophenol												No Limit		
47	2,4-Dinitrophenol												No Limit		
48	4,4'-dinitro-2'-naphthol (4,4'-DDNP)												No Limit		
49	2,4-Dinitrophenol												No Limit		
50	2-Nitrophenol												No Limit		
51	3-Nitrophenol												No Limit		
52	3-Methyl-4-Chlorophenol (aka p-chlorocresol)												No Limit		
53	2-Nitrophenol												No Limit		
54	2-Nitrophenol												No Limit		
55	2,4,6-Trichlorophenol												No Limit		
56	Acenaphthylene												No Limit		
57	Acenaphthylene												No Limit		
58	Acenaphthylene												No Limit		
59	Acenaphthylene												No Limit		
60	Benzo(a)anthracene												No Limit		
61	Benzo(a) Pyrene												No Limit		
62	Benzo(a) Pyrene												No Limit		
63	Benzo(a) Pyrene												No Limit		
64	Benzo(a) Pyrene												No Limit		
65	Benzo(a) Pyrene												No Limit		
66	Benzo(a) Pyrene												No Limit		
67	Benzo(a) Pyrene												No Limit		
68	Benzo(a) Pyrene												No Limit		
69	Benzo(a) Pyrene												No Limit		
70	Benzo(a) Pyrene												No Limit		
71	Benzo(a) Pyrene												No Limit		
72	4-Chlorophenyl Fluoride												No Limit		
73	Chrysene												No Limit		
74	Dibenz(a,h)anthracene												No Limit		
75	1,2-Dichloroethane												No Limit		
76	1,2-Dichloroethane												No Limit		
77	1,4-Dichlorobenzene												No Limit		
78	1,4-Dichlorobenzene												No Limit		
79	Diethyl Phthalate												No Limit		
80	Diethyl Phthalate												No Limit		

Attachment G to Order No. R9-2005-0015  
Reasonable Potential Analysis (Per Sections 1.3 and 1.4 of SIP)

AQUATIC LIFE CALCULATIONS														
CTR#	Parameters	SALTWATER / FRESHWATER / BEACH PAN										LIMITS		
		ECLA acute multiplier (b-7)	LTA acute	ECLA chronic multiplier	LTA chronic	Lowest LTA	AMEL multiplier	AMEL eq. multiplier	MODEL multiplier	MODEL eq.	Lowest AMEL	Lowest MODEL	Recommendation	Comment
81	3,4-Dichlorobenzene												No Limit	
82	2,4-Dinitrophenol												No Limit	
83	2,4-Dinitrophenol												No Limit	
84	2,4-Dinitrophenol												No Limit	
85	1,2-Dichlorobenzene												No Limit	
86	Fluoranthene												No Limit	
87	Fluoranthene												No Limit	
88	Hexachlorobenzene												No Limit	
89	Hexachlorobenzene												No Limit	
90	Hexachlorobenzene												No Limit	
91	Hexachlorobenzene												No Limit	
92	Hexachlorobenzene												No Limit	
93	Hexachlorobenzene												No Limit	
94	Hexachlorobenzene												No Limit	
95	Hexachlorobenzene												No Limit	
96	Hexachlorobenzene												No Limit	
97	Hexachlorobenzene												No Limit	
98	Hexachlorobenzene												No Limit	
99	Phenanthrene												No Limit	
100	Pyrene												No Limit	
101	1,2,4-Trichlorobenzene												No Limit	
102	Adren												No Limit	
103	Adren												No Limit	
104	Adren												No Limit	
105	Adren												No Limit	
106	Adren												No Limit	
107	Adren												No Limit	
108	Adren												No Limit	
109	Adren												No Limit	
110	Adren												No Limit	
111	Adren												No Limit	
112	Adren												No Limit	
113	Adren												No Limit	
114	Adren												No Limit	
115	Adren												No Limit	
116	Adren												No Limit	
117	Adren												No Limit	
118	Adren												No Limit	
119	Adren												No Limit	
120	Adren												No Limit	

a. The most stringent of both.

### Attachment H – CTR Monitoring Requirements

The Discharger shall conduct effluent monitoring for the priority pollutants (except for 2,3,7,8-TCDD ) for which there are no effluent limitations established in the permit. In addition, the Regional Board is requiring that the Discharger conduct receiving water monitoring for the priority pollutants, and at the same time effluent samples are collected. Further, the Discharger must analyze pH and hardness of the receiving water concurrent with the analysis for the priority pollutants.

This monitoring shall occur at the following locations:

- Effluent discharge point (Discharge Serial No. 001).
- Receiving water. The monitoring stations shall be at 50 feet upstream from the discharge point of the storm drain to the San Luis Rey River.

The Discharger shall conduct the following CTR monitoring once during the term of the permit. Monitoring shall be conducted between January 1, 2009 and June 31, 2009. The results of this CTR monitoring data shall be submitted at least 180 days prior to the expiration date of this Order and shall be submitted with the Report of Waste Discharge.

Constituent	Units	Type of Sample
pH	Standard units	Grab
Hardness (as CaCO <sub>3</sub> )	mg/L	Grab
Salinity	g/L	Grab
Antimony	µg/L	Grab
Arsenic <sup>2</sup>	µg/L	Grab
Beryllium	µg/L	Grab
Cadmium <sup>2</sup>	µg/L	Grab
Chromium III <sup>2</sup>	µg/L	Grab
Chromium VI <sup>2</sup>	µg/L	Grab
Copper <sup>2</sup>	µg/L	Grab
Lead <sup>2</sup>	µg/L	Grab
Mercury	µg/L	Grab
Nickel <sup>2</sup>	µg/L	Grab
Selenium	µg/L	Grab
Silver <sup>2</sup>	µg/L	Grab
Thallium	µg/L	Grab
Zinc <sup>2</sup>	µg/L	Grab
Cyanide	µg/L	Grab
Asbestos	Fibers/L	Grab
Acrolein	µg/L	Grab

Constituent	Units	Type of Sample
Acrylonitrile	µg/L	Grab
Bromoform	µg/L	Grab
Carbon Tetrachloride	µg/L	Grab
Chlorobenzene	µg/L	Grab
Chlorodibromomethane (Dibromochloromethane)	µg/L	Grab
Chloroethane	µg/L	Grab
2-Chloroethylvinyl ether	µg/L	Grab
Chloroform	µg/L	Grab
Dichlorobromomethane (Bromodichloromethane)	µg/L	Grab
1,1-Dichloroethane	µg/L	Grab
1,2-Dichloropropane	µg/L	Grab
1,3-Dichloropropylene	µg/L	Grab
Methyl Bromide (Bromomethane)	µg/L	Grab
Methyl Chloride (Chloromethane)	µg/L	Grab
Methylene Chloride	µg/L	Grab
1,1,2,2-Tetrachloroethane	µg/L	Grab
1,1,2-Trichloroethane	µg/L	Grab
Vinyl Chloride	µg/L	Grab
1,2-Dichlorobenzene	µg/L	Grab
1,3-Dichlorobenzene	µg/L	Grab
1,4-Dichlorobenzene	µg/L	Grab
2-Chlorophenol	µg/L	Grab
2,4-Dichlorophenol	µg/L	Grab
2,4-Dimethylphenol	µg/L	Grab
2-Methyl- 4,6-Dinitrophenol	µg/L	Grab
2,4-Dinitrophenol	µg/L	Grab
2-Nitrophenol	µg/L	Grab
4-Nitrophenol	µg/L	Grab
3-Methyl 4-Chlorophenol	µg/L	Grab
Pentachlorophenol	µg/L	Grab
Phenol	µg/L	Grab
2,4,6-Trichlorophenol	µg/L	Grab
Acenaphthene	µg/L	Grab
Acenaphthylene	µg/L	Grab
Anthracene	µg/L	Grab
Benzidine	µg/L	Grab
Benzo(a)Anthracene	µg/L	Grab

Constituent	Units	Type of Sample
Benzo(a)Pyrene	µg/L	Grab
Benzo(b)Fluoranthene	µg/L	Grab
Benzo(ghi)Perylene	µg/L	Grab
Benzo(k)Fluoranthene	µg/L	Grab
Bis(2-Chloroethoxy)Methane	µg/L	Grab
Bis(2-Chloroethyl)Ether	µg/L	Grab
Bis(2-Chloroisopropyl)Ether	µg/L	Grab
Bis(2-Ethylhexyl)Phthalate	µg/L	Grab
4-Bromophenyl Phenyl Ether	µg/L	Grab
Butylbenzyl Phthalate	µg/L	Grab
2-Chloronaphthalene	µg/L	Grab
4-Chlorophenyl Phenyl Ether	µg/L	Grab
Chrysene	µg/L	Grab
Dibenzo(a,h)Anthracene	µg/L	Grab
3,3 Dichlorobenzidine	µg/L	Grab
Diethyl Phthalate	µg/L	Grab
Dimethyl Phthalate	µg/L	Grab
Di-n-Butyl Phthalate	µg/L	Grab
2,4-Dinitrotoluene	µg/L	Grab
2,6-Dinitrotoluene	µg/L	Grab
Di-n-Octyl Phthalate	µg/L	Grab
1,2-Diphenylhydrazine	µg/L	Grab
Fluoranthene	µg/L	Grab
Fluorene	µg/L	Grab
Hexachlorobenzene	µg/L	Grab
Hexachlorobutadiene	µg/L	Grab
Hexachlorocyclopentadiene	µg/L	Grab
Hexachloroethane	µg/L	Grab
Indeno(1,2,3-cd)Pyrene	µg/L	Grab
Isophorone	µg/L	Grab
Naphthalene	µg/L	Grab
Nitrobenzene	µg/L	Grab
N-Nitrosodimethylamine	µg/L	Grab
N-Nitrosodi-n-Propylamine	µg/L	Grab
N-Nitrosodiphenylamine	µg/L	Grab
Phenanthrene	µg/L	Grab
Pyrene	µg/L	Grab
1,2,4-Trichlorobenzene	µg/L	Grab
Aldrin	µg/L	Grab
alpha-BHC (hexachloro-cyclohexane)	µg/L	Grab

Constituent	Units	Type of Sample
beta-BHC	µg/L	Grab
gamma-BHC	µg/L	Grab
delta-BHC	µg/L	Grab
Chlordane	µg/L	Grab
4,4'-DDT	µg/L	Grab
4,4'-DDE (linked to DDT)	µg/L	Grab
4,4'-DDD	µg/L	Grab
Dieldrin	µg/L	Grab
alpha-Endosulfan	µg/L	Grab
beta-Endosulfan	µg/L	Grab
Endosulfan Sulfate	µg/L	Grab
Endrin	µg/L	Grab
Endrin Aldehyde	µg/L	Grab
Heptachlor	µg/L	Grab
Heptachlor Epoxide	µg/L	Grab
PCBs sum <sup>3</sup>	µg/L	Grab
Toxaphene	µg/L	Grab

<sup>1</sup>Monitoring and analysis for pH, hardness, and salinity is required for receiving water only.

<sup>2</sup> Measured as total recoverable.

<sup>3</sup>PCBs sum refers to sum of PCB Arochlors 1016, 1221, 1232, 1242, 1248, 1254, and 1260

The Discharger shall conduct effluent monitoring for 2,3,7,8 TCDD, once during the permit term (between January 1, 2009 and June 31, 2009) of the permit term and submitted with the Report of Waste Discharge, a minimum of 180 days prior to the expiration date of this Order. The SIP requires monitoring for 2,3,7,8-TCDD and the 17 congeners listed in the table below. The Discharger is required to calculate Toxic Equivalence (TEQ) for each congener by multiplying its analytical concentration by the appropriate Toxicity Equivalence Factors (TEF) provided below.

Congeners	TEF
2,3,7,8-Tetra CDD	1.0
1,2,3,7,8-penta CDD	1.0
1,2,3,4,7,8-hexa CDD	0.1
1,2,3,6,7,8-hexa CDD	0.1
1,2,3,7,8,9-hexa CDD	0.1
1,2,3,4,6,7,8-hepta CDD	0.01
Octa CDD	0.0001
2,3,7,8-tetra CDF	0.1
1,2,3,7,8 penta CDF	0.05
2,3,4,7,8-penta CDF	0.5
1,2,3,4,7,8-hexa CDF	0.1
1,2,3,6,7,8-hexa CDF	0.1
1,2,3,7,8,9-hexa CDF	0.1

2,3,4,6,7,8-hexa CDF	0.1
1,2,3,4,6,7,8-hepta CDF	0.01
1,2,3,4,7,8,9-hepta CDF	0.01
Octa CDF	0.0001

Please note that the report for this required monitoring must be submitted with the Report of Waste Discharge and submitted to the Regional Board as an attachment to the Report of Waste Discharge no later than 180 days prior to the expiration date of Order No. R9-2005-0015.